

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Dale Joseph Burke,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING</b>
	)	<b>REPORT AND RECOMMENDATION</b>
vs.	)	
	)	
North Dakota Department of Corrections	)	
and Rehabilitation, et al.,	)	Civil No. 1:12-cv-131
	)	
Defendants.	)	

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On December 21, 2012, the plaintiff, Dale Burke, filed a “Motion for Court Order to Have the Following Persons Charged with Criminal Violation of Conspiracy Against Rights Pursuant to 18 U.S.C. § 241.” See Docket No. 14. On January 8, 2013, Magistrate Judgment Charles S. Miller, Jr.’s issued a Report and Recommendation which recommended that Burke’s motion be denied because private citizens have no right to criminal investigations and the Court lacks authority to order a criminal investigation. See Docket No. 16. Any objection to the Report and Recommendation must have been filed within fourteen (14) days, or by January 23, 2013. No objections have been filed to date. The Court has carefully reviewed Magistrate Judge Miller’s Report and Recommendation (Docket No. 14), the entire record, and controlling case law, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 14) in its entirety and **DENIES** Burke’s motion for criminal charges (Docket No. 14).

**IT IS SO ORDERED.**

Dated this 31st day of January, 2013.

/s/ Daniel L. Hovland  
Daniel L. Hovland, District Judge  
United States District Court